

**VIRGINIA BOARD OF NURSING  
MINUTES  
January 24, 2012**

**TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:05 A.M. on January 24, 2012 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**PRESIDING:** Patricia M. Selig, RN, FNP, PhD; President

**BOARD MEMBERS PRESENT:**

Joyce A. Hahn, PhD, APRN, NEA-BC; Vice President  
Evelyn Lindsay, LPN; Secretary  
Allison Gregory, RN, LNP  
Louise Hartz, Citizen Member  
Jeanne Homes, Citizen Member  
John M. Horn, LPN  
Jane R. Ingalls, RN, CNS, PhD  
Florence Jones-Clarke, RN, MS  
Patricia C. Lane, RN, BSN  
Trula Minton, MS, RN  
Karen K. Schultz, PhD, MBA, Citizen Member  
William Traynham, LPN

**STAFF PRESENT:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director  
Jodi P. Power, R.N., J.D., Deputy Executive Director  
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director  
Paula B. Saxby, RN, PhD, Deputy Executive Director  
Tomeka Dowling, R.N., M.S, Nursing Education Consultant  
Ann Tiller, Compliance Manager  
Amy Davis, Executive Assistant

**STAFF ABSENT:** Brenda Krohn, R.N., M.S., Deputy Executive Director  
Linda Kleiner, RN, Discipline Case Manager

**OTHERS PRESENT:** Howard M. Casway, Senior Assistant Attorney General  
Elaine Yeatts, Senior Policy Analyst  
Students from Fortis College  
Dr. Lauren Goodloe, representative from Virginia Nurses Association  
Representatives from Bryant and Stratton College

**ANNOUNCEMENTS:**

- NCSBN Mid-Year Meeting, March 12 – 14, 2012 in Chicago
- Committee of the Joint Boards of Nursing and Medicine meeting scheduled for February 15, 2012, will include a business meeting, formal hearings and informal conferences
- Board of Nursing Discipline Committee meeting scheduled for March 2012

- Board of Health Professions November 2011 meeting cancelled, next meeting is February 14, 2012
- CNS Regulation Committee meeting scheduled for February 17, 2012 Dr. Selig, Dr. Hahn, Ms. Gregory
- Change in November 2012 schedule needed due to a holiday the week of November 12, 2012. Ms. Douglas will explore options based on room availability and Board member availability.
- Virginia Nurses Association Legislative Day scheduled for February 8, 2012, additional information can be found on the VNA website
- Susan Motley has resigned from the Virginia Nurses Association, Kathy Mahone is the acting Interim Director of VNA

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board did not remove any items from the proposed consent agenda. Ms. Hartz moved to accept the consent agenda which included the following. The motion was seconded and carried unanimously.

Minutes:

- |                     |                                       |
|---------------------|---------------------------------------|
| • November 14, 2011 | Panel – Dr. Selig                     |
| • November 15, 2011 | Quorum – Dr. Selig                    |
| • November 16, 2011 | Panel – Dr. Selig                     |
| • November 16, 2011 | Panel – Dr. Hahn                      |
| • November 17, 2011 | Panel – Dr. Hahn                      |
| • December 6, 2011  | Panel – Dr. Selig                     |
| • January 17, 2012  | Telephone Conference Call – Dr. Selig |

Reports:

- Health Practitioners Monitoring Program Report of Statistics
- Agency Subordinate Tracking Log
- Board of Nursing Monthly Tracking Log-Licensure & Disciplinary Statistics
- Finance Report
- CY2011 Report for Non-Routine Applications
- NNAAP Report
- TERCAP Report

REPORTS:

**Executive Director Report:**

Ms. Douglas noted the information in the written report and added the following information:

- We have experienced recent technology issues with voice mail and email. Ms. Douglas advised Board members to contact our office by alternate modes if you are not receiving responses to message left by phone or sent by email to Board staff.
- Ms. Douglas apologized for the amount of information distributed today. Various factors impacted timely submission of information

including time constraints caused by the General Assembly and last minute items.

- Ms. Douglas provided an overview of Board staff role during the General Assembly and the process of reviewing and commenting on bills within a very short timeframe.
- Dr. Schultz asked if there has been a delay in obtaining authorization to fill the vacant administrative support position in the Board of Nursing. Ms. Douglas stated approval to fill the position that is responsible for processing all RN and PN applications for licensure by exam has been received, however it is anticipated the process to advertise, interview and fill this vital position could take another month.
- Dr. Hahn asked for clarification of the NCSBN change in NCLEX exam report processing. Dr. Saxby provided an overview of the process that the only NCLEX reports being mailed to applicants are the reports that indicate the applicant was not successful on the exam. Applicants that are successful with the NCLEX are issued a license, and all applicants and employers have the license look-up system and the telephone confirmation system that allows for a fax to be sent that contains licensure information.
- Ms. Lindsay expressed her appreciation to Ms. Mitchell for speaking at the LPN Conference. The presentation by Ms. Mitchell “What Every Nurse Should Know” was well received.

#### LEGISLATION/REGULATION:

##### **Status of Regulatory Actions:**

Ms. Yeatts reviewed the pending regulatory action for the Board of Nursing.

- Regulations regarding provisional licensure as a registered nurse remains at the Secretary’s Office
- Regulation regarding review of regulations for clinical nurse specialist has received many comments, the Board will consider comments at the March 2012 meeting after a stakeholder meeting on February 17, 2012
- Regulations regarding continued competency requirements remains at the Governor’s Office
- Regulations regarding requirements for approval of nursing education programs are at the Secretary’s Office
- Regulations regarding consistency with compact rules on licensure became effective December 22, 2011
- Regulations regarding eliminating prior licensure requirement for foreign educated applicants became effective December 22, 2011
- Regulations regarding failure to report abuse grounds for disciplinary action are at the Secretary’s Office

##### **Petition for Rulemaking – Regulations Governing Licensure of Nurse Practitioners:**

Ms. Yeatts reviewed the petition for rulemaking submitted on behalf of the Virginia Association of Nurse Anesthetists. The petitioner has requested the Board defer consideration of the petition given legislation introduced in the General Assembly. Ms. Lane moved to defer this matter until the March 2012 meeting. The motion was seconded and carried unanimously.

**2012 General Assembly Update:**

Ms. Yeatts provided an overview of the report that contained information on legislation proposed during the 2012 General Assembly that is of interest to the Department of Health Professions and the Board of Nursing.

Ms. Douglas expressed her appreciation of the work Ms. Yeatts for the Department of Health Professions.

Dr. Selig expressed her concerns regarding the increased number of bills each year and the processing delays of regulations that have been in the Secretary's Office and the Governor's Office. Ms. Yeatts stated that other agencies are experiencing the same delays as DHP.

Ms. Hartz moved that the Board of Nursing adopt a resolution citing public direction on regulatory issues of continued competency and addressing problematic and due process issues with nursing education programs and provide to Dr. Cane and the Secretary's Office citing concerns of the Board of Nursing of lack of activity in response to need. The motion was seconded and carried unanimously. Ms. Douglas was directed to prepare such a letter.

Ms. Yeatts left the meeting.

RECESS: The Board recessed at 10:25 A.M.

RECONVENTION: The Board reconvened at 10:40 A.M.

POLICY FORUM: **Virginia Action Coalition (VAC) RN Education Progression:**  
Deborah Zimmerman and Linda Dedo, Co-chairs of the Virginia Action Coalition were present and provided a report to the Board of Nursing containing recommendations on education the Institute of Medicine Report; VAC goals and objectives.

The Board was asked to consider supporting standardized prerequisite education; require seamless transitions between nursing schools; require nursing schools to obtain NLNAC and CCNE accreditation; and recognize innovation and new models.

Ms. Douglas stated that current Board of Nursing regulations do not require accreditation, however proposed regulations do address this issue.

OPEN FORUM: There was no one present that wished to address the Board during the Open Forum.

OTHER MATTERS:

**Board Counsel Update on Appeals:**

Mr. Casway reported on the pending appeals regarding Board of Nursing cases:

- Darlene Bamaiyi, CNA Endorsement Applicant and Reinstatement Applicant – The cases were consolidated in October 2011 by the Hampton Circuit Court. A hearing date has been set for May 31, 2012.

- Sylvester Britt, RN – The hearing is scheduled for February 2012 in Portsmouth Circuit Court.
- Colby Mansell, RN – The respondent's attorney requested a continuance for the hearing date set for January 30, 2012. The date has been set for February 6, 2012.
- Nina Morrison, RN – Mr. Casway has filed an objection and motion to dismiss on technical matters in the Henrico County Circuit Court.
- A notice of appeal has been received from Barbara Walkup. The Board of Nursing has not received the petition.

Mr. Casway reported an increased activity in appeals. Ms. Douglas informed the Board that Mr. Casway is handling all DHP boards at this time due to the resignation of Amy Marschean, Senior Assistant Attorney General. Mr. Casway added that Charis Mitchell, Assistant Attorney General will be assisting the Board of Nursing during formal hearings this week.

**National Council of State Boards of Nursing/Nursing Alliance Leadership Academy (NCSBN/NALA) Conference:**

Ms. Douglas provided information regarding the Nursing Alliance Leadership Academy (NALA) Conference is scheduled for August 13 – 14, 2012. NCSBN Resource Funds may be available if anyone is interested in attending the conference. Ms. Jones-Clarke expressed her interest in attending.

**Code of Conduct Review:**

Dr. Schultz and Ms. Hartz presented the draft Code of Conduct developed by the Code of Conduct Review Committee. Ms. Hartz moved to adopt the draft Code of Conduct as presented and to have the document posted as a Guidance Document on the Board of Nursing website. The motion was seconded and carried unanimously. Dr. Hahn expressed her appreciation for the work of the Committee.

**Election of Officers for 2012:**

As chair of the Nominating Committee, Mr. Traynham presented the slate of officers for 2012:

- President – Patricia Selig, Patricia Lane
- Vice President – Joyce Hahn, Louise Hartz
- Secretary – Evelyn Lindsay, Allison Gregory

Dr. Selig thanked the Committee, Mr. Tranham, Ms. Jones-Clarke and Dr. Schultz for their work.

Dr. Selig asked for nominations from the floor for the office of Secretary. None were received, Ms. Hartz moved that nominations be closed. The motion was seconded and carried unanimously. Ms. Lindsay and Ms. Gregory affirmed the nomination.

Dr. Selig called for a vote for Ms. Lindsay for the office of Secretary, and received nine votes.

Dr. Selig called for a vote for Ms. Gregory for the office Secretary, and received four votes.

Ms. Lindsay was elected as Secretary.

Dr. Selig asked for nominations from the floor for the office of Vice President. None were received, Ms. Hartz moved that nominations be closed. The motion was seconded and carried unanimously. Dr. Hahn and Ms. Hartz affirmed the nomination.

Dr. Selig called for a vote for Dr. Hahn for the office of Vice President, and received eleven votes.

Dr. Selig called for a vote for Ms. Hartz for the office of Vice President, and received two votes.

Dr. Hahn was elected as Vice President.

Dr. Selig asked for nominations from the floor for the office of President. None were received, Ms. Hartz moved that nominations be closed. The motion was seconded and carried unanimously. Dr. Selig and Ms. Lane affirmed the nomination.

Dr. Selig called for a vote for herself for the office of President, and received seven votes.

Dr. Selig called for a vote for Ms. Lane for the office of President, and received six votes.

Dr. Selig was elected as President.

Ms. Jones-Clarke and Ms. Lane expressed concern regarding the order of election of offices from Secretary, Vice President and President instead of President, Vice President and Secretary. After discussion, Ms. Hartz made a motion to conduct the elections again in the order of President, Vice President and Secretary. The motion failed.

#### **NCSBN Midyear Meeting:**

Ms. Douglas provided information that the NCSBN Midyear Meeting is being held in Chicago on March 12 -14, 2012. Ms. Douglas stated that anyone interested in attending to let her know by January 30, 2012 in order for approval to travel to be submitted to the Secretary's Office and to ensure adequate funding from NCSBN. Ms. Lindsay and Dr. Schultz expressed interest in attending.

#### **Board Development Workshop:**

Dr. Selig reviewed the notes from the Board Development Workshop held in November 2011 and the recommendations from the workshop. Dr. Hahn moved to accept the recommendations as listed below:

- Assign new Board members to serve on committees earlier in their term and to function as chair of a Special Conference Committees.

- Use the Allegation Worksheet at formal hearings.
- Conduct an annual board development workshop, probably in November.

The motion was seconded and carried unanimously.

**Update of NCSBN Program for Paperless Board Meetings:**

Ms. Davis reported NCSBN has a system to use for boards of nursing interested in electronic posting of documents. NCSBN has been using this system for their internal meetings since 2009. Documents are uploaded using a FTP site; board members are notified electronically that documents are available for downloading. Ms. Davis had a conference call with the Texas Board of Nursing which has been using this system and they reported positive comments. Ms. Douglas and Ms. Davis indicated additional research will take place, however implementation would depend on our IT capabilities, VITA approval, and potential equipment and software needed for Board members.

RECESS: The Board recessed at 11:55 A.M.

RECONVENTION: The Board reconvened at 12:40 P.M.

EDUCATION: **Education Issues:**

Ms. Dowling reported on the NCLEX pass-rates for PN and RN national and state averages. Nursing education programs (29) that are below 80% for one year will be notified by the Board of Nursing to submit a plan of correction. Nine nursing education programs are below 80% for two to three years. There are one BSN program; nine ADN programs; and 19 practical nurse programs that scored less than 80% for 2011. Of the 29 programs with NCLEX scores below 80%, there are three ADN and 11 practical nurse proprietary programs; and three high school practical nurse programs. Of the nine programs with NCLEX scores below 80% for two to three consecutive years, there are one BSN program, one ADN program; and three practical nurse proprietary programs; three practical nurse high school programs; and 1 practical nurse community college program.

The written report from Ms. Dowling also included information regarding the number of survey visits made to nursing education programs in 2011(30) and the number of survey visits scheduled for 2012 (36).

Fifteen nursing education program applications were reviewed in 2011; eight of those met the requirements and were approved, consisting of two BSN programs; five ADN programs; and one practical nurse program.

Nursing education programs are still experiencing difficulty in obtaining clinical sites for obstetrics, pediatrics, psychiatric and mental health experiences.

An orientation program for nursing program directors is being scheduled for March 2012, 20 attendees have indicated attendance at this time.

Dr. Saxby added a media advisory regarding the release of the Healthcare Workforce Data Center 2010 annual survey of practical and registered nurse programs. A 6.1% increase in graduates was noted.

**2013 Proposed NCLEX – RN Test Plan:**

Dr. Saxby presented proposed changes to the NCLEX RN test plan, which the Virginia Board of Nursing needs to provide feedback by February 1, 2012. Dr. Saxby asked Board members to submit their written comments to her today. Ms. Hartz moved that the Board of Nursing accept the 2013 NCLEX-RN test plan and timelines for implementation. The motion was seconded and carried unanimously.

**CCNE Call for Comments on Standards for Accreditation of Baccalaureate and Graduate Degree Nursing Program:**

Dr. Saxby indicated this is the first time boards of nursing have been asked to comment on the CCNE standards for accreditation. As indicated in the written report from Dr. Saxby, staff recommends Board of Nursing laws and regulations be added as requirement of key elements and reference Board of Nursing requirements throughout. Board members provided suggestions and Ms. Hartz moved to adopt the suggestions made by staff and Board members to communicate to CCNE. The motion was seconded and carried unanimously.

**Education Special Conference Committee:**

Dr. Hahn reviewed items of interest from the January 18, 2012 minutes of the Education Special Conference Committee. Dr. Hahn added that the presence of Administrative Proceedings Division staff was helpful and that she would like to see their presence continue when necessary.

Dr. Hahn noted the minutes that indicated that ECPI cases were heard without the benefit of the program director being present. The Committee did not feel they had enough information to go forward and recommend deferring action regarding all five programs pending staff being able to review in person the student records.

Dr. Hahn noted the recommendation to withdraw approval to admit students and place on conditional approval for Star College and Fortis College until they can verify compliance with violations cited.

Dr. Hahn noted the Committee recommended approval be withdrawn for National School of Nursing and Allied Health, who had been under a Board order.

Mr. Horn moved to accept the minutes and adopt the recommendations of the Education Special Conference Committee. The motion was seconded and carried unanimously.

Dr. Selig asked if other Board members would be interested in serving on the Education Special Conference Committee on a rotating basis. Ms. Holmes and Dr. Ingalls expressed their interest.

Dr. Saxby and Ms. Dowling left the meeting.

CONSIDERATION OF CONSENT ORDERS AND RECOMMENDATIONS REGARDING APPLICANTS:

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:30 P.M. for the purpose of deliberation to consider consent orders and recommendations regarding applicants. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, Ms. Power, Ms. Tiller, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:20 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Information not available at this time.

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 2:30 P.M.

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Evelyn Lindsay, L.P.N.  
Secretary

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.